

## **RESOLUTION 07-17**

### **A RESOLUTION OF THE TOWN OF WESTFIELD SETTING THE CABLE FRANCHISE FEE AT FIVE PERCENT (5%)**

**WHEREAS**, the Town of Westfield, Indiana (“Town”) is governed by its duly elected Town Council and is a duly formed municipal corporation in the State of Indiana and a “Unit” as defined in I.C. 8-1-34-12; and,

**WHEREAS**, the corporate boundaries of the Town of Westfield contain three (3) multichannel video programming distributors defined as “Providers” in I.C. 8-1-34-11; and,

**WHEREAS**, I.C. 8-1-34-24 describes a franchise fee to be paid to the Unit by the Provider no later than 45 days after the end of each calendar quarter; and,

**WHEREAS**, the Council has been advised that the rates charges to the various multichannel video programming distributors may not be identical.

### **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WESTFIELD, INDIANA:**

**Section 1.** That the Town hereby resolves that the Franchise Fee identified in I.C. 8-1-34-24 shall be Five Percent (5%) throughout the Westfield, Indiana franchise area.

**Section 2.** That any current Franchise holder that is currently being assessed a fee less than Five percent (5%) may appeal this resolution within Thirty (30) days from the date of this Resolution by filing a request to appear on the next Town Council agenda

**Section 3.** That any and all acts done to further this action are now deemed ratified by the Town Council. A copy of this Resolution is to be forwarded to all multichannel video programming distributors operating within the Westfield, Indiana jurisdiction.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

ALL OF WHICH IS RESOLVED this \_\_\_\_ day of \_\_\_\_\_, 2007.

**WESTFIELD TOWN COUNCIL**

<b><u>Voting For</u></b>	<b><u>Voting Against</u></b>	<b><u>Abstain</u></b>
_____ Andy Cook	_____ Andy Cook	_____ Andy Cook
_____ John Dippel	_____ John Dippel	_____ John Dippel
_____ John Hart	_____ John Hart	_____ John Hart
_____ Robert Horkay	_____ Robert Horkay	_____ Robert Horkay
_____ Joseph Plankis	_____ Joseph Plankis	_____ Joseph Plankis
_____ Robert J. Smith	_____ Robert J. Smith	_____ Robert J. Smith
_____ Ron Thomas	_____ Ron Thomas	_____ Ron Thomas

ATTEST:

\_\_\_\_\_  
Clerk-Treasurer, Cindy J. Gossard

This Resolution prepared by:  
Brian J. Zaiger, Attorney at Law  
KRIEG DEVAULT, LLP  
12800 North Meridian  
Carmel IN 46032  
317-566-1110